

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOANNA VARGAS)
)
- vs -) No. 1:16-CV-01657YK
)
PENN STATE HERSHEY)
MILTON S. HERSHEY)
MEDICAL CENTER)

12 Videotaped deposition of JOANNA VARGAS, held
13 at 1125 Walnut Street, Philadelphia, Pennsylvania,
14 on July 7, 2017, at 10:55 a.m., before Dolores M.
15 Horne, Professional Reporter and Notary Public, in
16 and for the Commonwealth of Pennsylvania.

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24

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1 Q. At some point your husband was then
2 taken for the endoscopy and colonoscopy?

3 A. Yes.

4 Q. And obviously you weren't -- you weren't
5 present; were you, for those procedures when they
6 were performed?

7 A. No.

8 Q. Do you know if you had left the hospital
9 by that point?

10 A. No.

11 Q. You were still there?

12 A. Yes.

13 Q. And were you still in the hospital after
14 those procedures had been completed?

15 A. Yes.

16 Q. Did somebody tell you what they found?

17 A. Yes.

18 Q. What did they tell you?

19 A. They told me that it was his stomach and
20 showed me a picture.

21 Q. Who was it that told you that and showed
22 you a picture?

23 A. I don't know. It was a woman. A female
24 came out to talk to me. I don't know who it

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1 was.

2 Q. Was it -- was it your understanding that
3 this person was a physician?

4 A. I don't know.

5 Q. You said that this female person came
6 out and told you this. Where -- where did they
7 come out from?

8 A. Wherever they did this -- this
9 procedure. I was waiting in a waiting room, so I
10 have no idea where they came from.

11 Q. So, it was immediately after the
12 endoscopy and colonoscopy had been performed?

13 A. No.

14 Q. It wasn't?

15 A. I waited a while for them to appear.

16 Q. Were you with your husband when they --

17 A. No.

18 Q. -- came and told you?

19 A. No. I was by myself in the waiting
20 room.

21 Q. Where -- where was your husband?

22 A. I don't know where he was.

23 Q. Did -- did you have any questions for
24 this person who came out and told you it was from

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1 stomach ulcers?

2 A. No.

3 Q. That's what they told you, right, that
4 the bleeding was from --

5 A. Yes.

6 Q. -- stomach ulcers?

7 A. Yes.

8 Q. You said you didn't -- you didn't have
9 any questions for that person?

10 A. Only where was he and if I -- can I go
11 see him.

12 Q. Of course. You wanted to get back with
13 him?

14 A. Yes.

15 Q. Did you -- did you feel that if you had
16 questions you could ask those person questions?

17 A. Yes.

18 Q. When you said that they showed you a
19 picture, was it like -- what was it a picture
20 of?

21 A. The stomach.

22 Q. Your husband's stomach?

23 A. Yes, his stomach.

24 Q. It was a picture that they had taken

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1 you left for the evening?

2 A. I don't know.

3 Q. Did you talk with any other doctors that
4 evening?

5 A. No.

6 Q. What was it that made you decide to
7 leave the hospital?

8 A. I was really tired. It was cold. But I
9 saw that he was going to sleep. And I'm not sure
10 who came to get me, but they suggested that I just
11 can go now and -- and get some rest.

12 Q. Who -- who had suggested that?

13 A. I believe it might have been my grandson
14 but I'm not 100 percent sure.

15 Q. You felt comfortable leaving your
16 husband at that point?

17 A. Yes.

18 Q. And did he -- he was resting, like you
19 said?

20 A. Yes.

21 Q. You had described earlier that he
22 appeared pale after he had first discovered this
23 bleeding. Did -- did he still appear pale when
24 you left him?

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1 A. I don't recall.

2 Q. Just so that I -- I understand. You --
3 you don't recall any other discussions with any
4 other Hershey Medical Center staff between the
5 time this person came out and told you what --
6 what they found in terms of the colonoscopy and
7 endoscopy and when you left the hospital that
8 evening; is that right?

9 A. Yes.

10 Q. Did you -- did you report to your family
11 what -- what they found at the hospital?

12 A. Yes, I would believe so.

13 Q. To -- to Justin and Justin Phillip?

14 A. Yes.

15 Q. So what -- what happened next?
16 You went back to Dr. J's home?

17 A. Yes.

18 Q. What did -- what did you do then?

19 A. I went to sleep.

20 Q. You came back to Hershey Medical Center
21 the next day?

22 A. Early that morning my husband texted
23 me.

24 Q. What did he text you?

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1 A. He said that there was a possibility --
2 I'm not -- not exact words but there was a
3 possibility that he would not be released from the
4 hospital because his blood count was very low. I
5 have copies of those texts.

6 Q. Do you have them with you?

7 A. No.

8 Q. Where are those copies, at home?

9 A. My attorney has some, Alisa.

10 MR. STEPANIAN: I'd ask that
11 those be produced. I don't know that I've seen
12 those.

13 MR. BEASLEY: Sure.

14 BY MR. STEPANIAN:

15 Q. Were you -- were you already awake when
16 your husband had texted you?

17 A. I don't remember.

18 Q. What was your -- what was your response
19 to the text?

20 A. I wasn't surprised.

21 Q. Did you text him back?

22 A. I don't know. I don't think so.

23 Q. You ultimately went to the hospital?

24 A. Yes.

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1 you willing -- was that something you were willing
2 to accept?

3 A. I wasn't even thinking about that,
4 really. We would have worked it out some way.

5 Q. But then it all -- it all became moot
6 because while you were still at her home you got
7 another text from your husband that said his blood
8 counts are better and he's good to go?

9 A. Yes.

10 Q. So, what did you do after that text?

11 A. I went with the plan that we had. It
12 was a plan to call my grandson's uncle who would
13 take us to the airport.

14 Q. You're killing me now. So, who is
15 the -- who is -- your grandson. So this is
16 Justin --

17 A. Justin --

18 Q. -- Phillip's uncle.

19 A. -- Uncle Phillip. We're a close family.

20 Q. I can tell. At least there's only like
21 three or four names, though, that I have to
22 remember. So, this is Phillip. What is -- what
23 is his last name?

24 A. Cappiccio, C A P P I C C I O.

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1 Q. So, the plan was for Mr. Cappiccio to
2 take you and your husband to the airport?

3 A. Correct, yes.

4 Q. So, you called Mr. Cappiccio?

5 A. Yes.

6 Q. So what happened then? I mean, your
7 husband is at the hospital, you're at Dr. J's.

8 A. He's a pastor as well.

9 Q. Mr. Cappiccio?

10 A. Yes. He came and picked me up and our
11 luggage and took me to the hospital to pick up my
12 husband.

13 Q. Where was your husband when you arrived
14 at the hospital to pick him up?

15 A. He was in that room that he had -- I had
16 left him in.

17 Q. So what happened after you got to the
18 hospital?

19 A. I got to the hospital and he was being
20 prepared to leave.

21 Q. What does that mean?

22 A. There was someone in the room, a nurse,
23 I believe. She was putting together his discharge
24 package and giving us final instructions.

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1 Q. And then what happened?
2 A. I washed his hair and we left.
3 Q. How did you wash his hair?
4 A. In a -- in a little tiny sink.
5 Q. How long were you at the hospital before
6 you left with him?
7 A. I'm not sure.
8 Q. Was it longer than an hour?
9 A. I don't know.
10 Q. Where was Mr. Cappiccio?
11 A. He was there just out -- there was a
12 little waiting -- not even -- there was a little
13 area before you entered the room itself. He was
14 in that doorway waiting for us. I believe he was
15 giving us a little privacy.
16 Q. Did you -- did you talk to the nurse who
17 was --
18 A. Yes.
19 Q. Tell me what you remember about that
20 discussion?
21 A. She told me that as soon as we got back
22 home that I was to contact our doctors and
23 followup with them and let them know what had
24 happened.

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1 it just was something that was out there.

2 Q. It was out there because the two of you,
3 either you or your husband had told staff that
4 were caring for him, you guys had a flight on
5 December 3rd, the next day?

6 A. Yes.

7 Q. It was out there because either you or
8 your husband told the staff that you would like to
9 make that flight?

10 A. No.

11 Q. You just -- you just told them that you
12 had a flight?

13 A. We just told them that we were from
14 Florida and we were going to go home but this
15 happened. That's it.

16 Q. Did you -- by the way, do you remember
17 the name of the nurse?

18 A. No. I'm sorry.

19 Q. Did -- did you talk with any -- any
20 physicians that day, December 3rd?

21 A. No.

22 Q. Did you ask to talk with any of the
23 physicians?

24 A. No.

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1 Q. Did Mr. Vargas at any point tell you
2 about his discussions with hospital staff that
3 morning, December 3rd, before you arrived?

4 A. No.

5 Q. Did you ever ask him?

6 A. No.

7 Q. Why not?

8 A. I honestly don't know.

9 Q. So, ultimately obviously you and your
10 husband left the hospital and Mr. Cappiccio took
11 you straight to the airport?

12 A. No. Our flight -- our flight was
13 delayed and they had notified us via cell phones.
14 So we went to lunch.

15 Q. Where did you -- where did you go to
16 lunch?

17 A. Goodness, I've just drawn a blank --
18 Panera's.

19 Q. In Hershey?

20 A. Yes -- well, I don't know where it
21 was.

22 Q. Okay. You and your husband and Mr.
23 Cappiccio went?

24 A. Yes.

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1 A. I -- I don't remember.

2 Q. Did you end up eating at the airport?

3 A. No.

4 Q. Tell me about how your husband was doing
5 while you were at lunch and then later that
6 afternoon waiting at the airport?

7 A. He looked okay.

8 Q. Was he weak at all?

9 A. Not that I could see. He -- he looked
10 like he had been, you know, through something but
11 I wasn't concerned.

12 Q. Did you understand that -- that after
13 your husband came to the Hershey Medical Center he
14 didn't have any other bleeding episodes?

15 A. I'm sorry. Repeat that.

16 Q. After your husband came to the Hershey
17 Medical Center, he didn't have any bleeding
18 episodes while he was in the hospital. Did you
19 understand that?

20 A. Other than the colonoscopy, no.

21 Q. Okay. Did -- did he have any -- any
22 bleeding after he left the hospital, obviously
23 before you got on the flight?

24 A. No.

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1 Q. Do you -- do you know whether your --
2 your husband had used the bathroom between the
3 time after you left the hospital and you got on
4 the plane in Harrisburg?

5 A. No, I don't know.

6 Q. He never reported back to you, though,
7 that he had another episode of bleeding?

8 A. No.

9 Q. So, the two of you are waiting at the
10 airport in Harrisburg. He's doing okay?

11 A. Yes.

12 Q. Seems to be in good condition?

13 A. Yes.

14 Q. You get on that plane in Harrisburg.
15 And what was it, like one of those little
16 propeller --

17 A. It was a smaller plane.

18 Q. Right. You fly to Philadelphia?

19 A. Yes.

20 Q. And it's in Philadelphia then you get on
21 a plane and you're flying to where?

22 A. To Jacksonville.

23 Q. How is your husband during the flight to
24 Philadelphia?

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1 A. He was okay.

2 Q. When you got to Philadelphia, did you
3 have to wait in the airport there?

4 A. Yes.

5 Q. About for how long?

6 A. I don't know. It was -- he was in a
7 wheelchair because he -- I figured it would be
8 best. They didn't really check to see -- he was
9 in a wheelchair. So thank God we were because the
10 place was mobbed and there was no seats, so. But
11 it was a while we waited.

12 Q. Did you have to go from one terminal to
13 a different terminal in Philly?

14 A. Yes.

15 Q. And did your husband go in a
16 wheelchair?

17 A. Yes.

18 Q. By the way, when you were on the phone
19 with the airlines on the morning of December 3rd
20 trying to find out what would happen if you missed
21 your flight, did you tell the person you're
22 talking to at the airline that your husband had
23 just had this bleeding episode?

24 A. No.

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1 Q. You did that?

2 A. Yes.

3 Q. So then tell -- tell me what happened
4 after -- after you boarded the plane?

5 A. We -- he sat by the window. I believe
6 there were just two seats. We were up in the air
7 and there was turbulence. And I looked over at
8 him to make sure he was okay. And I saw he was
9 getting uncomfortable by him -- just the way he
10 was moving. And I asked him, honey, are you all
11 right. And he didn't answer. And I must have
12 asked him a few times. But he had this look that
13 he just was not there. Something had happened.
14 And I said, do you have to go to the bathroom.
15 And he again didn't respond. So I stood up out of
16 my seat and tried to -- to ask him, to -- to touch
17 him and ask him what was wrong. And I remember
18 having to hold onto the seats because it was
19 turbulent.

20 He just never talked to me again.
21 Finally I ran for the attendant, who was right
22 behind us pretty much, I believe two or three
23 rows. And I said, I can't -- something is wrong.
24 My husband doesn't talk and he's -- I can't get

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1 him up. I think he has to go to the bathroom.
2 And I stayed in the -- in that -- because the
3 plane was moving and he went over to my husband
4 and it took him a few minutes to -- I don't know
5 what he said. I didn't hear. But somehow my
6 husband got up. He got up and he started to walk
7 towards the back where the bathroom was. But I
8 saw that he was leaving a trail of blood, a lot of
9 blood, a lot of blood.

10 And he finally went into the -- to the
11 bathroom area and just about collapsed on the
12 commode with the door opened and -- with his head
13 down. The attendant didn't know what to do. He
14 was not really much help. He was disgusted with
15 what was going on on the floor. There was a lot
16 of things there. It was actually -- it wasn't
17 only blood. It was pieces of my husband, pieces.
18 And I kept calling his name saying, honey, honey,
19 look up, look at me.

20 And then the call -- I started screaming
21 if there's anybody that could help us. And they
22 got two people. And they pulled out this -- this
23 backpack. And these two people, one was a
24 pediatrician, I remember, and one was an ER nurse.

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1 And they were looking through that bag. And that
2 bag was a mess. It had the hoses and syringes and
3 who knows what else was in there. But they were
4 looking to see if they could put an IV in him
5 because they checked his pressure again and they
6 said his pressure was dropping.

7 Q. I know it's hard to talk about, ma'am.
8 And I ask you these questions because I have to.

9 A. I don't mind telling you what
10 happened.

11 Q. Just take your time. And if you need to
12 take a break, certainly at any point we can do
13 that.

14 A. Can I have some of those tissues,
15 please. Thank you.

16 Q. Do you -- do you want to take a
17 second?

18 A. Okay. All right.

19 Q. Are you okay to continue?

20 A. Yes.

21 Q. Do you remember how long it was into the
22 flight that you looked over at your husband and
23 you started to have some concern?

24 A. It wasn't long after.

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- 1 A. I was in a hospital bed, yes.
- 2 My bars were up. And I was taken to another room,
- 3 another area with a curtain. And so I don't know
- 4 how long that was either. But someone came by my
- 5 side there and said -- I thought she was going to
- 6 tell me that -- you know, she -- she started off,
- 7 like he lost a lot of blood but then at the end
- 8 she said, well, we couldn't bring him back. I
- 9 thought she was going to say but, you know, we got
- 10 him or something. But that was like not what I
- 11 heard. I was looking for that. And she said
- 12 we -- we couldn't -- we couldn't do anything for
- 13 him. He's gone. And at that moment my son -- one
- 14 of my sons was on the phone with me and he heard
- 15 her.
- 16 Q. Which -- which son was that?
- 17 A. That was Adam.
- 18 Q. At any point while you were there at the
- 19 hospital -- how long were you at the hospital, by
- 20 the way?
- 21 A. I was there until the next day.
- 22 Q. Were you admitted yourself to the
- 23 hospital?
- 24 A. Yes, yes.